



1 SENATE JOINT RESOLUTION NO. 15

2 WHEREAS, The United States Supreme Court in *Olmstead v.*
3 *L.C. Ex Rel. Zimring*, 119 S. Ct. 2176 (1999), held that under
4 Title II of the Americans with Disabilities Act (ADA), States
5 are required to provide community-based treatment for persons
6 with mental disabilities when the State's treatment
7 professionals determine that such placement is appropriate,
8 the affected persons do not oppose such treatment, and the
9 placement can be reasonably accommodated, taking into account
10 the resources available to the State and the needs of others
11 with mental disabilities; and

12 WHEREAS, Title II of the ADA further states that a public
13 entity shall administer services, programs, and activities in
14 the most integrated setting appropriate to the needs of
15 individuals with disabilities, defining that setting as one
16 that enables individuals with disabilities to interact with
17 non-disabled persons to the fullest extent possible; and

18 WHEREAS, Almost 10 years after the *Olmstead* decision, a
19 report titled "The State of the States in Disabilities 2008" by
20 the Department of Psychiatry and Coleman Institute for
21 Cognitive Disabilities of the University of Colorado ranks the
22 State of Illinois 40th nationally in fiscal effort for services
23 for individuals with developmental disabilities, including all

1 programs - home based, group home, and congregate care; 43rd in
2 State fiscal effort for community services; 47th in home and
3 community-based waiver spending per capita; and 51st in serving
4 persons with developmental disabilities in environments of 6 or
5 less; and

6 WHEREAS, The State has not adequately invested funding for
7 home and community-based services for individuals with
8 developmental disabilities, and has cut funding for those
9 services in the past three State fiscal year budgets; and

10 WHEREAS, Funding for home and community-based services
11 does not currently meet the cost of providing those services
12 and supports due to inflationary pressures, increased
13 personnel costs, mandated increases in minimum wage, rising
14 health insurance costs, and the increased cost of doing
15 business with vendors; and

16 WHEREAS, Wages for community-based direct service
17 professionals are generally at or barely above the poverty
18 level for a single person supporting one or more children,
19 leading to excessive turnover and undermining the availability
20 of quality services; and

21 WHEREAS, "Person-centered" means that services and
22 supports are identified and authorized to address the specific

1 needs of each person as a result of an individualized
2 assessment and through a person-centered planning process; and

3 WHEREAS, Illinois has a disproportionate number of
4 Illinois citizens with developmental disabilities who are
5 served in Intermediate Care Facilities for the Developmentally
6 Disabled (ICF/DD) and State-Operated Developmental Centers
7 (SODC); and

8 WHEREAS, Data shows that Illinois lags substantially
9 behind nearly all other states in fostering the provision of
10 services in the most integrated setting; the Illinois
11 utilization rate for SODC services in 2009 was 18.0 individuals
12 per 100,000 persons in the general population; the nationwide
13 utilization rate in 2009 was 11.1 individuals per 100,000 in
14 the general population; and

15 WHEREAS, The majority of other states have significantly
16 reduced their utilization of large state-operated facilities;
17 in order for Illinois to achieve parity with the national
18 average by 2017, Illinois would need to serve an average of
19 8.9% fewer individuals in SODCs annually; and

20 WHEREAS, As long as the State continues to perpetuate
21 short-term measures to address crises in the system, in the
22 long term, Illinois will perpetuate its inability to serve the

1 growing number of individuals with developmental disabilities
2 who are not currently receiving services; and

3 WHEREAS, The total budget for all services across all
4 settings for persons with developmental disabilities falls far
5 short of what is needed for a quality service system; and

6 WHEREAS, The Illinois Department of Human Services'
7 Division of Developmental Disabilities (Division) developed
8 and released its Strategic Plan for Fiscal Years 2011-2017 in
9 July 2010 which aims to substantively re-orient Division
10 priorities and resources to support a truly person-centered
11 system of services for which there is a popular mandate;
12 therefore, be it

13 RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL
14 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
15 CONCURRING HEREIN, that in alignment with the Division's 7-year
16 Strategic Plan (Plan) all children and adults with
17 developmental disabilities living in Illinois will receive
18 high quality services guided by a person-centered plan that
19 maximizes individual choice and flexibility in the most
20 integrated setting possible regardless of intensity or
21 severity of need; and be it further

22 RESOLVED, That, taking into account the resources

1 available to the State, the Plan's progress will be measured by
2 how it increasingly and judiciously provides that Illinois
3 citizens with developmental disabilities, including both those
4 currently served and those awaiting services (as determined by
5 Prioritization of Urgency of Need for Services (PUNS)), are
6 served in the most integrated setting consistent with the
7 protections under Olmstead; and be it further

8 RESOLVED, That Illinois will implement at least one new,
9 outcome-based model for service delivery that improves the
10 coordination and integration of habilitation, social, and
11 clinical care for people with developmental disabilities; and
12 be it further

13 RESOLVED, That the number of individuals living in the most
14 integrated settings will achieve parity with the national
15 utilization rates so that more individuals will live in
16 settings of 6 or less; fewer individuals will live in private
17 ICF/DDs; and fewer individuals will live in SODCs; and be it
18 further

19 RESOLVED, That in order to ensure positive outcomes for all
20 persons, Illinois will work to achieve parity with the average
21 national rate of funding for developmental disability
22 services, in order to achieve the goals set forth by the
23 Division's 7-year Strategic Plan; and be it further

1 RESOLVED, That more individuals with developmental
2 disabilities will receive integrated employment services to
3 achieve parity with the national utilization rates; and be it
4 further

5 RESOLVED, That the number of people receiving
6 Medicaid-funded Home and Community Based Services (HCBS) will
7 achieve parity with national utilization rates; and be it
8 further

9 RESOLVED, That the disparity between wages paid to State of
10 Illinois employees and community-based direct service
11 professionals will be reduced; and be it further

12 RESOLVED, That Illinois will seek to provide funding for an
13 annual cost-of-living increase for community-based direct
14 service employees in order to ensure that these workers receive
15 a fair wage that allows them to support their families; and be
16 it further

17 RESOLVED, That the Division will develop a comprehensive,
18 integrated data management system that captures, aggregates,
19 and analyzes data from various sources, allowing timely
20 analysis of service processes and outcomes; and be it further

1 RESOLVED, That persons with developmental disabilities and
2 their families and guardians will be actively involved in
3 policy discussions and will be respected as partners in the
4 process, making informed choices and decisions in order to
5 support productive and fulfilling lives; and be it further

6 RESOLVED, That the State of Illinois recognizes that home
7 and community providers are a vital part of healthy communities
8 and are counted on by individuals and families and the State to
9 support their goals and therefore should be listened to and
10 respected; and be it further

11 RESOLVED, That the allocation of resources to support
12 people with developmental disabilities will accurately reflect
13 service demand and be a priority at all levels of government
14 and for the citizens of Illinois and that funding for
15 developmental disabilities services will be realigned to
16 reflect the Strategic Priorities and benchmarks identified in
17 the Division's 7-year Strategic Plan; and be it further

18 RESOLVED, That future budgets shall take into
19 consideration the steps necessary to achieve the plans laid out
20 in this joint resolution; and be it further

21 RESOLVED, That copies of this resolution be sent to the
22 Governor, the Secretary of the Department of Human Services,

1 the Director of the Governor's Office of Management and Budget,
2 and all Members of the General Assembly.